

TWENTY-SIXTH ANNUAL REPORT

OF THE

MASSACHUSETTS

BOARD OF REGISTRATION IN PHARMACY,

FOR THE

YEAR ENDING NOVEMBER 30, 1911.



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## NAMES OF BOARD AND OFFICERS.

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ERNST O. ENGSTROM, *President.*

PETER J. McCORMICK, *Secretary.*

IRVING P. GAMMON.

WILLIAM S. FLINT.

ALBERT J. BRUNELLE.

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JOSEPH E. BUSWELL, *Agent.*



# The Commonwealth of Massachusetts.

## REPORT.

To His Excellency EUGENE N. FOSS, *Governor*.

SIR:—In compliance with the laws of the Commonwealth, the Board of Registration in Pharmacy has the honor to submit the following report.

The condition of the trade shows a fair yearly average with the exception of the cities where the syndicates have established drug stores. The druggists in such places complain of hard, unfair methods of doing business.

The American Pharmaceutical Association and the National Association of Boards of Pharmacy held their annual meeting in Boston in August of this year. The meetings were largely attended, and the delegates from the other States of the Union complimented the Massachusetts pharmacists, who contributed to their comfort and entertainment during their stay in our Commonwealth.

At the meeting of the National Association of Boards of Pharmacy, Ernst O. Engstrom presided, and the boards of pharmacy from the several States sent delegates to discuss betterment of Board of Pharmacy work. All our members attended the sessions, and we hope that one or more members of our Board will be delegates next year to attend the meeting of this association in Denver. This association is of great help to members of boards of pharmacy, as the proceedings printed each year will demonstrate.

There are, as near as can be ascertained by present methods, 1,710 drug stores in the State. There are also several stores which are not drug stores in the State handling drugs and medicines at retail. The Board believes it advisable to keep a record

and have proper supervision over such stores, also that certain regulations should be enacted similar to those adopted in other States compelling licensing by the Board of Pharmacy each year of all stores handling drugs, medicines and poisons.

During the year a drug clerk applying for civil service examination was disqualified on account of section 16, chapter 19 of the Revised Laws, which reads as follows:—

. . . no vendor of intoxicating liquors, shall be appointed to or retained in any office, appointment or employment to which the provisions of this chapter apply.

It seems decidedly unfair that clerks and proprietors of drug stores, who sell intoxicating liquors for medicinal, chemical and mechanical use only, should be considered vendors of intoxicating liquors within the meaning of this act.

The law proposed by the Board last year for the protection of the public, to have a registered person in charge of each drug store at all times, has had a wholesome effect. Our agent reports that conditions have materially improved.

During the year 587 candidates, the largest number in the history of the Board, have presented themselves for examination. One hundred and sixteen of them have received certificates as registered pharmacists, and 179 have received certificates as assistants.

Referring to the financial statement of the Board, it is a great pleasure to note that this commission, since the year ending 1909, has been more than self-sustaining, each year showing a larger balance. The fees transmitted to the State Treasurer this year have exceeded all expenses of the Board by \$2,124.58.

The Board submits the following recommendations:—

1. Every proprietor, owner, or acting agent of a store wherein drugs, medicines or poisons are sold shall each year make an application to the Board of Pharmacy for a permit to conduct such a store, the fee for such a permit not to exceed one dollar, and the application to contain such information as will enable the Board to judiciously grant such permit.

2. That a list of stores so licensed be printed in the yearly report of the Board.



3. That section 16, chapter 19, be so amended that the words "vendor of intoxicating liquors" shall not apply to clerks or proprietors of drug stores.

Respectfully submitted,

ERNST O. ENGSTROM.  
PETER J. McCORMICK.  
IRVING P. GAMMON.  
WILLIAM S. FLINT.  
ALBERT J. BRUNELLE.

On December 1 Mr. Ernst O. Engstrom retires from the Board of Pharmacy where for five years he has labored successfully, in every way meeting the requirements of the position and always conscientiously working for the best interests of the profession of pharmacy. Mr. Engstrom has served as president of the Board for three successive years, and has also held the office of president of the National Association of Boards of Pharmacy. The valuable assistance he has rendered in improving the methods of examination is widely recognized. In the deliberations of the Board he has used sound judgment and given justice to all. We deeply regret to lose so valuable a member, and extend to him our best wishes for his future.

Respectfully submitted,

IRVING P. GAMMON.  
PETER J. McCORMICK.  
WILLIAM S. FLINT.  
ALBERT J. BRUNELLE.

## SECRETARY'S REPORT.

Meetings for examinations have been held on dates and with results as follows:—

## EXAMINATIONS.

	Days.	Number examined for full Registration.	Number examined for only Assistant Registration.	Total Number examined.	Number granted Full Registration who had received Assistant Certificates prior to this Fiscal Year.	Number granted Full Registration who had received Assistant Certificates during this Fiscal Year.	Number, not Assistants, granted Full Registration.	Total Number granted Full Registration.	Number granted Assistant Certificates.	Number granted Assistant Certificates at prior Examinations, failing to receive Full Registration.	Number found not Qualified to receive any Certificate.	Total Number rejected.
December 13,	1	14	1	15	2	-	1	3	7	4	1	5
January 3, . . .	1	12	-	12	6	-	-	6	1	4	1	5
January 10, . . .	1	17	-	17	3	-	2	5	4	7	1	8
January 17, . . .	1	16	1	17	1	-	-	1	3	10	3	13
February 7, . . .	1	15	1	16	-	-	1	1	6	8	1	9
February 21, . . .	1	18	-	18	8	-	-	8	3	7	-	7
March 7, . . . . .	1	18	-	18	6	-	4	10	4	3	1	4
March 14, . . . . .	1	15	1	16	-	-	1	1	4	9	2	11
March 21, . . . . .	1	17	-	17	1	-	-	1	7	9	-	9
April 4, . . . . .	1	18	-	18	3	1	1	5	5	8	-	8
April 10, . . . . .	1	18	-	18	1	-	1	2	5	5	6	11
April 11, . . . . .	1	13	5	18	2	-	-	2	4	6	6	12
April 17, . . . . .	1	17	-	17	3	-	2	5	6	5	1	6
April 18, . . . . .	1	15	1	16	1	-	-	1	5	1	9	10
May 2, . . . . .	1	16	3	19	1	1	4	6	10	2	1	3
May 9, . . . . .	1	17	-	17	2	1	2	5	7	4	1	5
May 22, . . . . .	1	18	1	19	1	1	1	3	8	3	5	8
May 23, . . . . .	1	16	2	18	1	-	4	5	7	4	2	6
May 29, . . . . .	1	11	-	11	1	-	1	2	6	3	-	3
June 5, . . . . .	1	15	-	15	1	-	-	1	4	4	6	10
June 6, . . . . .	1	12	1	13	-	1	-	1	9	3	-	3
June 12, . . . . .	1	14	-	14	2	-	1	3	6	2	3	5
June 13, . . . . .	1	16	2	18	-	-	-	-	4	13	1	14
June 19, . . . . .	1	17	2	19	3	-	1	4	2	5	8	13
June 20, . . . . .	1	16	2	18	-	-	1	1	6	7	4	11
June 26, . . . . .	1	19	3	22	1	1	2	4	4	11	3	14
September 12, . . .	1	12	3	15	1	-	-	1	7	4	3	7
September 13, . . .	1	12	3	15	-	-	1	1	7	4	3	7
September 25, . . .	1	16	2	18	3	1	1	5	6	3	4	7
October 3, . . . . .	1	15	2	17	1	1	-	2	7	4	4	8
October 10, . . . . .	1	18	1	19	2	1	2	5	4	4	6	10
October 23, . . . . .	1	12	2	14	2	1	2	5	3	4	2	6
November 6, . . . . .	1	17	1	18	2	-	-	2	3	7	6	13
November 21, . . . .	1	16	2	18	-	1	3	4	4	8	2	10
November 27, . . . .	1	16	1	17	-	1	4	5	1	8	3	11
Totals, . . . . .	35	544	43	587	61	12	43	116	179	193	99	292

Of the 116 candidates who passed the examinations and were registered as pharmacists: —

28 passed on first examination.	7 passed on sixth examination.
28 passed on second examination.	1 passed on seventh examination.
20 passed on third examination.	1 passed on eighth examination.
20 passed on fourth examination.	2 passed on ninth examination.
8 passed on fifth examination.	1 passed on twelfth examination.

Certificates of registration have been granted by reciprocity as follows: —

#### RECIPROCITY.

STATE.	Number registered.
Connecticut, . . . . .	5
Maine, . . . . .	11
Michigan, . . . . .	1
New Hampshire, . . . . .	7
North Dakota, . . . . .	1
Vermont, . . . . .	4
	29

#### FEEs.

Registration fees received: —

238 for first examination at \$5,	\$1,190 00	
343 for re-examination at \$3,	1,029 00	
29 for reciprocity at \$10,	290 00	
11 for duplicate certificates at \$1,	11 00	
16 for clerical services relating to reciprocity at \$1,	16 00	
Total registration fees received,	—————	\$2,536 00
1,588 fees received for liquor certificates at \$5,	7,940 00	
Interest on bank deposits,	5 70	
Total receipts,	—————	\$10,481 70
Amount paid State Treasurer,	\$10,180 70	
Returned to rejected applicants for liquor certificates,	295 00	
Returned to applicants for examination upon withdrawal of their applications,	6 00	
Total credits,	—————	\$10,481 70

Of the 1,588 applications for liquor certificates received: —

Granted certificates for sixth-class licenses, . . . . .	1,104
Granted certificates of fitness to sell intoxicating liquor on physicians' prescriptions only, . . . . .	412
Refused, . . . . .	59
Pending, . . . . .	13

## EXPENDITURES.

## Members' salaries: —

Ernst O. Engstrom, president, . . . . .	\$600 00	
Peter J. McCormick, secretary, . . . . .	1,000 00	
Irving P. Gammon, . . . . .	500 00	
William S. Flint, . . . . .	500 00	
Albert J. Brunelle, . . . . .	500 00	
	<hr/>	\$3,100 00

## Members' expenses: —

Ernst O. Engstrom, . . . . .	\$450 60	
Peter J. McCormick, . . . . .	119 60	
Irving P. Gammon, . . . . .	92 80	
William S. Flint, . . . . .	202 00	
Albert J. Brunelle, . . . . .	192 00	
	<hr/>	1,057 00

## Joseph E. Buswell, agent: —

Salary, . . . . .	\$1,500 00	
Expenses, . . . . .	680 35	
	<hr/>	2,180 35

## Stenographer, witness fees, incidental and contingent expenses: —

Bessie B. Burroughs, . . . . .	\$1,000 00	
New England Telephone and Telegraph Company, . . . . .	5 23	
Wright & Potter Printing Company, . . . . .	350 13	
Luce's Press Clipping Bureau, . . . . .	12 65	
Gilman Brothers, wholesale druggists, . . . . .	27 80	
F. W. Martin Company, engrossers, . . . . .	55 70	
J. L. Hammett Company, . . . . .	9 96	
J. L. Fairbanks & Co., . . . . .	23 23	
Remington Typewriter Company, . . . . .	1 63	
New England Railway Publishing Company, . . . . .	50	

*Amounts carried forward, . . . . .* \$1,486 83    \$6,337 35

*Amounts brought forward,* . . . . \$1,486 83 \$6,337 35

National Association of Boards of Pharmacy,	13 00	
New England Association of Boards of Pharmacy,	2 00	
O. S. Currier & Son, Haverhill,	3 43	
Neostyle Company,	4 35	
Whitall Tatum Company,	7 33	
Smith T. Downing Mfg. Company,	3 50	
Eastern Drug Company,	32 32	
The Office Appliance Company,	1 00	
H. W. Dubois & Co.,	3 00	
E. W. Burroughs, clerical services,	28 00	
A. E. Burroughs, clerical services,	4 00	
Mary Casey, services in laboratory,	34 40	
Mary Warren, services in laboratory,	1 00	
Postage,	32 00	
Witness fees,	35 50	
Laundry for laboratory,	8 05	
		1,699 71
		<u>\$8,037 06</u>

#### DECEASED PHARMACISTS.

George P. Bailey, Natick.	Charles R. Lowell, Greenfield.
Julian W. Baird, dean Massachusetts College of Pharmacy.	James J. Marrin, Holyoke.
William W. Bartlett, Boston.	John A. McLellan, Peabody.
George H. Blatchford, Cambridge.	William B. Milliken, Cambridge.
Benjamin F. Bradbury, Boston.	Charles W. Perry, Natick.
Joseph H. Buron, Fall River.	George L. Peirce, Boston.
Max Cramer, Boston.	Augustus E. Price, Gloucester.
Job B. M. Dickins, Newburyport.	Herbert E. Pottle, Andover.
Seth A. Emery, Northborough.	Gualbert Roy, Fall River.
William H. Fairfield, Boston.	George C. Shepard, Southbridge.
Herman E. Heebner, Lee.	Eben R. Smith, Fitchburg.
William T. Hunter, Everett (registered assistant).	Albert H. Sweet, Milford.
John E. King, Boston.	John L. Thompson, Cambridge.
Joshua A. Loomis, Easthampton.	Harry L. Timmons, Lowell.
	Frank H. Willard, Fairhaven.

#### SUMMARY.

Meetings: —	
For examinations,	35
For hearings, business, etc.,	13
Total number of meetings,	<u>48</u>

## Hearings: —

On formal complaint, charge of violation of the liquor law, . . . . .	18
On formal complaint, charge of aiding and abetting unregistered persons in the conduct of the drug business, . . . . .	3
On formal complaint, charge of gross and confirmed habits of intoxication, . . . . .	1
On formal complaint charge of violation of the narcotic law, . . . . .	2
On suspension or revocation of sixth-class licenses, . . . . .	8
On suspension or revocation of certificates of fitness, . . . . .	8
On petitions for reinstatement, . . . . .	3
In reference to applications for liquor certificates, . . . . .	122
<hr/>	
Total number of hearings, . . . . .	165

## Results of hearings: —

Number of certificates of registration suspended for two years, . . . . .	3
Number of certificates of registration suspended for one year, . . . . .	5
Number of certificates of registration suspended for three months, . . . . .	1
Number of certificates of registration suspended for two months, . . . . .	1
Number of cases placed on file, . . . . .	12
Number of sixth-class licenses suspended, . . . . .	8
Number of certificates of fitness suspended, . . . . .	8
Number of suspended pharmacists reinstated, . . . . .	2

Respectfully submitted,

PETER J. McCORMICK,

*Secretary.*



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L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

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1911.

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# LAWS RELATING TO PHARMACY.

## CHAPTER 76, REVISED LAWS.

### REGISTRATION OF PHARMACISTS.

SECTION 10 (as amended by section 3, chapter 261, Acts of 1909). There shall be a board of registration in pharmacy consisting of five persons, residents of the commonwealth, who shall be skilled pharmacists, and shall have had ten consecutive years of practical experience in the compounding and dispensing of physician's prescriptions, and shall be actually engaged in the drug business. Not more than one member shall have any financial interest in the sale of drugs, medicines and chemicals, and the compounding and dispensing of physician's prescriptions in the same councillor district. One member of said board shall annually in November be appointed by the governor, with the advice and consent of the council, for a term of five years from the first day of December following, and no person appointed after the twenty-fifth day of June in the year eighteen hundred and ninety-nine shall serve as a member of said board for more than five consecutive years. The members of said board at the time of the enactment hereof, and any member thereafter appointed to fill a vacancy, who are holding office at the expiration of their official terms, shall continue in office until the first day of December following.

Board of  
registration  
in pharmacy,  
appoint-  
ment, etc.

SECTION 11 (as amended by section 4, chapter 261, Acts of 1909). Said board shall meet on the first Tuesday of December in each year at such time and place as it may determine and shall organize by electing a president and secretary, who shall be members of the board and who shall hold their offices for the term of one year. The secretary shall give to the treasurer and receiver general a bond with sufficient sureties, to be approved by the governor and council, for the faithful performance of his official duties. The board shall annually hold regular meetings on the first Tuesday of January, May and October, and additional meetings at such times and places as it shall determine.

Organization,  
meetings, etc.

SECTION 12. (Section 1, chapter 399, Acts of 1907.) The annual salary of the secretary of the board of registration in pharmacy shall be one thousand dollars, and that of the other

Salaries.

members of the board shall be five hundred dollars each, except that the chairman shall receive six hundred dollars.

Travelling  
expenses, etc.

(Sections 4 and 5, chapter 505, Acts of 1902.) Each member of the board shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board shall be paid out of the treasury of the commonwealth. The fees received for examination and registration of applicants before the board of registration in pharmacy shall be paid monthly by the secretary into the treasury of the commonwealth.

Record and  
annual re-  
port.

SECTION 13. The board shall keep a record of the names of all persons examined and registered hereunder and of all money received and disbursed by it, and a duplicate thereof shall be open to inspection in the office of the secretary of the commonwealth. Said board shall annually, on or before the first day of January, make a report to the governor and council of the condition of pharmacy in the commonwealth, of all its official acts during the preceding year and of its receipts and disbursements.

Examination  
for registra-  
tion as a  
pharmacist.

SECTION 14 (as amended by section 3, chapter 525, Acts of 1908). A person who desires to do business as a pharmacist shall, upon payment of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist and shall receive a certificate signed by the president and secretary of said board. Any person who fails to pass such examination shall upon request be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of three dollars. The board of registration in pharmacy may grant certificates of registration as assistants after examination upon the terms above named, but such certificates shall not allow the holder thereof to carry on the business of pharmacy.

Certificates  
as assistants.

Registration  
by reciprocity.

The said board may, in its discretion, grant certificates of registration to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state: *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state. Every applicant for registration as a registered pharmacist shall pay to the secretary of the board the sum of ten dollars at the time of filing the application. No certificate known as the reciprocity certificate shall be granted until the person so applying shall have signified his intention of acting under the same in this commonwealth. All fees received by the board shall be paid by its secretary into the treasury of the commonwealth.

SECTION 15. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

Exhibit of  
certificate.

SECTION 16 (as amended by chapter 140, Acts of 1907, as amended by section 2, chapter 172, Acts of 1910). The board shall hear all applications by registered pharmacists for the granting of sixth class licenses, if a hearing is requested by the applicant, and all complaints made to them against any person registered as a pharmacist charging him in his business as a pharmacist with violating any of the laws of the commonwealth, and especially of the laws relating to the sale of intoxicating liquors; or engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. Three of the members of the board shall be a quorum for such hearing. Witnesses at hearings before such board shall testify under oath and may be sworn by a member of the board. The board shall have power to send for persons and compel the attendance of witnesses at said hearings.

Hearings on  
applications  
and com-  
plaints.

SECTION 17 (as amended by chapter 321, Acts of 1902). If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. (Chapter 261, section 5, Acts of 1909: The board may suspend the certificate of registration of a registered pharmacist, who, in its judgment, is a menace to the public by reason of the improper use of intoxicating liquor or drugs, such suspension to be made only after a hearing, and by the unanimous vote of all the members of the board.) The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

Board may  
suspend  
certificates of  
registration,  
etc.

Board may  
reconsider  
its action.

SECTION 18 (as amended by section 2, chapter 525, Acts of 1908). Whoever, not being registered as aforesaid, retails,

Penalty for  
sale of drugs  
by unregis-  
tered persons.



compounds for sale or dispenses for medicinal purposes or keeps or exposes for sale drugs, medicines, chemicals or poisons, except as provided in section twenty-three, shall be punished by a fine of not more than fifty dollars. But the provisions of this section shall not prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. Every registered pharmacist engaged in the business of pharmacy shall cause his name to appear on every sign indicating or advertising his place of business and on every label used for medicinal preparations compounded in his place of business. No unregistered copartner shall hereafter be actively engaged in the business of pharmacy; but this provision shall not apply to those engaged in the business at the time of the enactment hereof.

Registered person's name on signs and labels.

Inability of unregistered copartner to be actively engaged in pharmacy.

Investigation of complaints.

SECTION 19. The board shall investigate all complaints of the violation of the provisions of sections ten to twenty-three, inclusive, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sections twenty-one to twenty-nine, inclusive, of chapter one hundred.

Access to documents.

SECTION 21. A registered pharmacist against whom a complaint or charge is pending before the board, or his counsel shall have the same right of access to documents in the possession of said board as a person who is charged with crime in the courts of the commonwealth would have to documents in the possession of the clerk of the court or of the prosecuting officer.

Court to furnish certificate of conviction.

SECTION 22. The court or magistrate before whom a person is convicted of a violation of section twenty-six of chapter seventy-five, of section eighteen of this chapter, of sections twenty-five, twenty-six, twenty-seven of chapter one hundred or of section two of chapter two hundred and thirteen shall send to the board of registration in pharmacy a certificate under seal showing the time, cause and place of conviction.

As to the sale of certain drugs and medicines by grocers and others, not registered.

SECTION 23 (as amended by chapter 327, Acts of 1902, as amended by section 3, chapter 525, Acts of 1908, as amended by section 1, chapter 172, Acts of 1910). The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent or proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies:—alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime,

citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dye stuffs, Epsom salt, flaxseed, flaxseed meal, gelatin, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, saltpeter, senna, slippery elm bark, spices of seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel, and zinc oxide; nor to the sale in original packages of the following, if put up by registered pharmacists, manufacturers, or wholesale dealers, in conformity with the Revised Laws, namely:—flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of nitre, syrup of rhubarb, tincture of arnica, and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded as provided in section two, chapter two hundred and thirteen of the Revised Laws:—muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus, and sulphate of zinc. Whoever not being a registered pharmacist, sells, or offers for sale, at retail, drugs, medicines, or poisons, other than those enumerated above, shall be punished by a fine not exceeding fifty dollars. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

Widow, etc.,  
may continue  
business, etc.

#### CHAPTER 100, REVISED LAWS.

SECTION 2. Ale, porter, strong beer, cider, all wines, any beverage which contains more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit, and distilled spirits, shall be deemed to be intoxicating liquor within the meaning of this chapter.

Definition of  
intoxicating  
liquor.

SECTION 16. The licensing board may at any time refuse to issue a license to a person whom it considers unfit to receive the same; but the provisions of this chapter shall not be so construed as to compel said licensing board to grant licenses.

Licenses may  
be refused to  
unfit persons.

SECTION 17. Each license shall be expressed, to be subject to the following conditions:—

Conditions of  
licenses.

First, That the provisions in regard to the nature of the license, and the building in which the business may be carried on under it, shall be strictly adhered to.

Sales prohibited certain hours and Lord's day.

Second, That spirituous or intoxicating liquor shall not be sold between the hours of eleven at night and six in the morning or on the Lord's day; but if the licensee is also licensed as an innholder he may, between the hours of six in the morning and eleven at night on the Lord's day, supply such liquors to guests who have resorted to his inn for food and lodging.

Quality of liquor.

Third, That spirituous or intoxicating liquor shall not be sold, exchanged or delivered, or exposed, offered or kept for sale, exchange or delivery, upon the licensed premises, unless it is of good standard quality and is free from any adulteration prohibited in the Pharmacopœia of the United States or by the laws relative to adulteration of drugs and food, for either a food or a drug. If it is marked, labelled or represented as being the product of any foreign country, it shall also be of the standard quality required for its legal sale for domestic use in the country of its reputed production. All such liquors which are sold, exchanged or delivered, or which are exposed or kept for sale, exchange or delivery, under a license of the sixth class, shall be of the quality required for their sale as drugs under the provisions of the laws relative to the adulteration of drugs and food.

Sales prohibited to certain persons.

Fourth, That liquor shall not be sold or delivered on the licensed premises to a person who is known to be a drunkard, to an intoxicated person, or to a person who is known to have been intoxicated within the six months last preceding, or to a minor, either for his own use, the use of his parents or of any other person, or, unless upon the prescription of a duly registered physician, to a person known to have been supported in whole or in part by public charity at any time during the twelve months last preceding the date of the license.

Conduct on premises.

Fifth, That there shall be no disorder, indecency, prostitution, lewdness, or illegal gaming on the licensed premises, or on any premises connected therewith by an interior communication.

License displayed.

Sixth, That the license, or a copy thereof, certified by the recording officer of the licensing board, or by the clerk of the city or town by which it is issued, shall be displayed on the premises, in a conspicuous position, where it can easily be read.

License subject to forfeiture.

Seventh, That the license shall be subject to forfeiture, as herein provided, for breach of any of its conditions; and that, if the licensee is convicted of a violation of any of such conditions, his license shall thereupon become void.



SECTION 21 (as amended by chapter 190, Acts of 1907). Sales of alcohol.  
 Druggists and apothecaries having a sixth class license or a certificate of fitness, may sell pure alcohol for medicinal, mechanical or chemical purposes without a physician's prescription, the said sales to be recorded in the manner provided for in section twenty-six; and wholesale druggists and apothecaries may also sell liquor of any kind, not to be drunk on the premises, under a license of the fourth class.

SECTION 22. No license for the sale of spirituous or intoxicating liquor, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more licenses of the sixth class shall be granted annually by the licensing board of cities, or by the mayor and aldermen of cities having no such board, or by the selectmen of towns, to retail druggists or apothecaries who are registered pharmacists actively engaged in business on their own account, upon presentation to the licensing board of the certificate of fitness prescribed by the following section, if it appears that the applicant is a proper person to receive such license, and is not disqualified to receive it under the provisions of sections fifty-three and fifty-four. Licenses to druggists.  
 A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account and as qualified to receive a license for such store. Registered stockholder.

SECTION 23 (as amended by chapter 308, Acts of 1907, as amended by chapter 261, Acts of 1909). Certificate of fitness for license.  
 The board of registration in pharmacy may, upon the payment by an applicant for a license of the sixth class of a fee of not more than five dollars, issue to him a certificate, which shall not be valid after one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting thereof. The board may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause that it may deem proper, and such revocation or suspension shall revoke or suspend the sixth class license granted thereon.

SECTION 24. A license of the sixth class shall become null and void without any process or decree, if the registered pharmacist to whom it has been granted ceases to conduct his business in person and on his own account, or upon the revocation of his certificate of registration as a pharmacist, unless the registered pharmacist has become unable to so conduct his business or has died, and his business is continued by his wife, License to be void, when.

widow, executor or administrator under another registered pharmacist.

Sale only on  
certificate.

SECTION 25. Retail druggists and apothecaries shall not sell intoxicating liquor of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation. They shall not, when making such sales upon the prescription of a physician, be subject to the provisions of the second clause of section seventeen.

Entry book  
for sales  
of liquor.

SECTION 26. Every retail druggist and apothecary shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use.	Price.	Name of Physician.
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The certificate mentioned in the preceding section shall be a part of said book, and shall not be detached therefrom, and shall be in form substantially as follows:—

Certificate. .

I wish to purchase.....  
and I certify that I am not a minor and that the same is to be used for \* Mechanical \* Chemical \* Medicinal purposes. [\*Draw a line through the words which do not indicate the purpose of the purchase.]

Signature.....

Cancelled.....

Books open to  
inspection.

SECTION 27. The book, certificates and prescriptions provided for in the two preceding sections and the book provided for in section thirty-two shall at all times be open to the inspection of the licensing board in cities having such boards and



in all other cities and towns, to the inspection of the mayor and aldermen, selectmen, overseers of the poor, sheriffs, constables, police officers and justices of the peace.

SECTION 28. Whoever makes or issues a false or fraudulent certificate or prescription referred to in sections twenty-five and twenty-six shall be punished by a fine of ten dollars.

Penalty for  
false certifi-  
cate.

SECTION 29. Whoever, not being a registered pharmacist, procures a sixth class license for the sale of intoxicating liquors in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall himself or by his servants sell intoxicating liquor, shall be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months. The provisions of section ten of chapter two hundred and twenty shall not apply to such sentence.

Penalty for  
sale of liquor  
in name of  
pharmacist.

SECTION 44. Licensing boards may transfer licenses from one location to another within the city or town in which such licenses are in force; but such transfer shall be granted only to the original licensee, and like notice shall be given, the same provisions shall apply, and other proceedings shall be the same as are required upon the granting of licenses, except that no new license fee shall be required.

Transfer of  
licenses.

SECTION 47 (as amended by chapter 108, Acts of 1908). The licensing board, after notice to the licensee and reasonable opportunity for him to be heard by them or by a committee of the mayor and aldermen or selectmen, if the license was granted by them, may declare his license forfeited, or may suspend his license for such period of time as they may deem proper, upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. The pendency of proceedings before a court or justice shall not suspend or interfere with the power herein given to decree a forfeiture. If the license is declared to have been forfeited, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so forfeited, and if he is the owner of the premises described in such forfeited license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

Forfeiture  
of license.

Licensee  
disqualified.

SECTION 53. Whoever violates any provision of his license or of this chapter shall, unless otherwise expressly provided, be punished by a fine of not less than fifty nor more than five hundred dollars, and by imprisonment for not less than one nor more than six months; and such conviction of a licensee

Penalties.

shall render any license to him of the first five classes, of the seventh class, and, if for a violation of sections twenty-five to twenty-seven inclusive, a license of the sixth class, void. Such licensee shall be disqualified to hold a license for one year after his conviction, and, if he is the owner of the licensed premises, no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

Penalty for  
furnishing  
liquor, etc.,  
to a minor.

SECTION 62. Whoever, himself, or by his agent or servant, sells or gives intoxicating liquors to a minor, either for his own use, the use of his parent, or of any other person, or allows a minor to loiter upon the premises where such sales are made, shall forfeit one hundred dollars for each offense, to be recovered by the parent, etc. The provisions of this section shall not apply to sales made by the holder of a license of the sixth class if made upon the written prescription of a practising physician.

Penalty for  
selling liquor  
to a person  
contrary to  
notice.

SECTION 63. The husband, wife, parent, child, guardian or employer of a person who has the habit of drinking spirituous or intoxicating liquor to excess, or the mayor of the city, or one of the selectmen of the town in which such person lives, may give notice in writing, signed by him or her, to any person requesting him not to sell or deliver such liquor to the person having such habit. If the person so notified at any time within twelve months thereafter sells or delivers such liquor to the person having such habit, or permits him to loiter on his premises, the person giving the notice may, in an action of tort, recover of the person notified such amount, not less than one hundred nor more than five hundred dollars, as may be assessed as damages; etc.

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#### CHAPTER 281, ACTS OF 1906.

#### AN ACT RELATIVE TO THE SALE OF INTOXICATING LIQUORS BY REGISTERED PHARMACISTS.

*Be it enacted, etc., as follows:*

Sale on  
prescription,  
having a  
certificate of  
fitness in no-  
license  
places.

SECTION 1. In any city or town in which licenses for the sale of intoxicating liquors of the first five classes are not granted, registered pharmacists to whom a certificate of fitness has been issued as provided for by section two of this act, may sell intoxicating liquors upon the prescription of a registered physician practising in such city or town, provided that the prescription is dated, contains the name of the person prescribed for, and is signed by the physician. All such prescriptions shall be retained and kept on file in a separate book by

the pharmacist filling the same, and shall not be filled a second time. Such prescription book shall be open at all times to the inspection provided for in section twenty-seven of chapter one hundred of the Revised Laws.

SECTION 2 (as amended by chapter 261, Acts of 1909). Fee.

The board of registration in pharmacy may, upon the payment by each applicant of a fee of not more than five dollars, issue to registered pharmacists certificates of fitness as provided for in section twenty-three of said chapter one hundred. Such certificates of fitness shall be subject to suspension or revocation by the board of registration in pharmacy, or by the licensing authorities of such cities and towns.

Suspension or  
revocation of  
certificate.

SECTION 3. Whoever violates any provision of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. Penalty.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

*Approved April 14, 1906.*

#### CHAPTER 213, REVISED LAWS.

#### OF CRIMES AGAINST THE PUBLIC HEALTH.

SECTION 2. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, McMunn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parsons' vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper upon which shall be printed in large black letters the name and place of business of the vendor and the words *Poison* and *Antidote*, and the label shall also contain the name of an antidote, if any, for the poison sold. He shall also keep a record of the name and quantity of the article sold and of the name and residence of the person or persons to whom it was delivered, which shall be made before the article is delivered and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale

Sale of  
poisons.



of cocaine or its salts shall be made except upon the prescription of a physician. Whoever neglects to affix such label to such bottle, box or wrapper before delivery thereof to the purchaser or whoever neglects to keep or refuses to show to said officers such record or whoever purchases any of said poisons and gives a false or fictitious name to the vendor shall be punished by a fine of not more than fifty dollars. The provisions of this section shall not apply to sales by wholesale dealers or manufacturing chemists to retail dealers, or to a general merchant who sells Paris green, London purple or other arsenical poisons in unbroken packages containing not less than one-quarter of a pound, for the sole purpose of destroying potato bugs or other insects upon plants, vines or trees, except that he shall record each sale and label each package sold, as above provided.

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CHAPTER 541, ACTS OF 1910.

AN ACT RELATIVE TO THE LABELLING OF CRUDE AND REFINED WOOD ALCOHOL.

*Be it enacted, etc., as follows:*

Crude and refined wood alcohol to be labelled.

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, "Poison, Not for Internal Use", in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, "Poison, Not for Internal Use", in stencilled letters or similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

Penalty.

Penalty for the sale, etc., of food or drink containing wood alcohol, etc.

SECTION 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two

hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

SECTION 3. Chapter two hundred and twenty of the acts of the year nineteen hundred and five, relative to wood alcohol, is hereby repealed. Repeal.

*Approved May 23. 1910.*

#### CHAPTER 259, ACTS OF 1907.

### AN ACT RELATIVE TO THE LABELLING OF CERTAIN PATENT OR PROPRIETARY DRUGS AND FOODS.

*Be it enacted, etc., as follows:*

SECTION 1. Chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* Upon every package, bottle or other receptacle holding any proprietary or patent medicine, or any proprietary or patent food preparation, which contains alcohol, morphine, codeine, opium, heroin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances, shall be marked or inscribed a statement on the label of the quantity or proportion of each of said substances contained therein. The size of type in which the names of the above substances shall be printed on the labels as above, shall not be smaller than eight point (brevier) caps: *provided*, that in case the size of the package will not permit the use of eight point cap type the size of the type may be reduced proportionately. The provisions of section nineteen of chapter seventy-five of the Revised Laws, so far as they are consistent herewith, shall apply to the manner and form in which such statements shall be marked or inscribed.

Receptacles holding proprietary or patent medicines, etc., to be labelled.

SECTION 2. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber or manufacturer residing in this Commonwealth, from whom he purchased such articles, to the effect that the same is not misbranded within the meaning of this act, designating it. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer; and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SECTION 3. Section two of chapter three hundred and eighty-six of the acts of the year nineteen hundred and six is hereby repealed.

SECTION 4. This act shall take effect on the first day of March in the year nineteen hundred and eight.

*Approved March 29, 1907.*

CHAPTER 387, ACTS OF 1910.

AN ACT RELATIVE TO THE SALE OF COCAINE.

*Be it enacted, etc., as follows:*

Manufacture of preparations containing cocaine, etc., prohibited.

SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for them.

Sale, etc., of cocaine, etc., prohibited except, etc.

SECTION 2. It shall be unlawful for any person, firm or corporation to sell or to expose or offer for sale or to give, deliver or exchange any cocaine, or any alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, except upon the written prescription of a physician, dentist or veterinary surgeon registered under the laws of the state in which he resides; the original of which prescription shall be retained by the druggist filling the same for a period of at least two years and shall not again be filled, except upon the written order of the original prescriber, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns. But no practitioner of veterinary medicine shall prescribe any of the above mentioned substances for the use of any human being.

Physicians and dentists not to prescribe, etc., in certain cases.

SECTION 3. It shall be unlawful for any physician or dentist to prescribe, sell or give away any cocaine or its salts, or any alpha or beta eucaine or their salts, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, to any person known to such physician or dentist to be an habitual user of those drugs.

To whom cocaine, etc., may be sold.

SECTION 4. Any manufacturer or jobber of any or all of the articles mentioned in section two of this act, any wholesale druggist, or any registered pharmacist may sell any article mentioned in said section two to any such manufacturer, jobber, wholesale druggist, or to any pharmacist, physician, veterinarian or dentist, registered under the laws of the state in which he resides, or to any incorporated hospital, but only upon a written order duly signed by such manufacturer, jobber, wholesale druggist, registered pharmacist, registered physi-



cian, registered veterinarian, registered dentist, or the superintendent of such incorporated hospital, which order shall show the article or articles ordered and the date of delivery. The said order shall be kept on file in the laboratory, warehouse, pharmacy or store from which it was filled by the proprietor thereof, or his successor, for a period of not less than two years from the date of delivery, and shall at all times be open to inspection by the officers of the state board of health, the members of the state board of registration in pharmacy and its authorized agents, and by the police authorities and officers of cities and towns; and such order shall not contain any articles not mentioned in section two of this act.

Order to be  
kept on file.

SECTION 5 (as amended by chapter 341, Acts of 1911). Penalty.  
Whoever violates any provision of the foregoing sections shall be punished by a fine of not less than fifty and not more than one thousand dollars, or by imprisonment for not more than one year in the county jail or house of correction, or by both such fine and imprisonment, and whoever is found present as described in section seven of this act shall be punished by a fine of not more than fifty dollars, or by imprisonment for three months in the house of correction.

. . . . .

#### CHAPTER 271, ACTS OF 1910.

### AN ACT TO REGULATE THE SALE OF MORPHINE AND OTHER NARCOTIC DRUGS.

*Be it enacted, etc., as follows:*

SECTION 1. It shall be unlawful for any person to sell, furnish, give away or deliver any opium, morphine, heroin, codeine or preparations thereof, or any salt or compound of the said substances, except upon the written prescription or order of a lawfully authorized practitioner of medicine, dentistry, or veterinary medicine, which prescription shall bear the name of the person giving it. But the provisions of this section shall not apply to sales made by any manufacturer, wholesale or retail druggist to another manufacturer, wholesale or retail druggist; nor to sales made to hospitals, colleges, scientific or public institutions, or to physicians, dentists, or veterinary surgeons; nor to the sale of cough remedies and other domestic and proprietary preparations: *provided*, that such preparations are sold in good faith as medicines, and not for the purpose of evading the provisions of this act; and *provided*, that such preparations do not contain more than two and one half grains of opium, or one third of a grain of morphine, or one fourth of a grain of heroin, or one grain of codeine or their salts in

Sale of cer-  
tain narcotic  
drugs  
regulated.

Provisos.

one fluid ounce; or if a solid preparation, in one avoirdupois ounce, excepting liniments and ointments which are prepared for external use only; nor to preparations containing opium or any of its salts, which are sold in good faith, for diarrhœa, cholera or neuralgia; nor to powder of ipecac and opium, commonly known as Dover's powders; nor to compound medicinal tablets, pills, or powders containing not over one twentieth of a grain of morphine, or one twelfth of a grain of heroin or one fourth of a grain of codeine, or any of their salts to each pill, powder or tablet, *provided*, that such preparations are sold in good faith as medicines and not for the purpose of evading the provisions of this act.

Prescription  
of certain  
drugs  
regulated.

SECTION 2. It shall be unlawful for any practitioner of medicine, dentistry, or veterinary medicine to prescribe for the use of any habitual user of the same, opium, morphine, heroin, codeine, or any salt or compound of the said substances, or any preparation containing any of the said substances or their salts or compounds; nor shall any practitioner of dentistry prescribe any of the said substances for any person not under his treatment in the regular practice of his profession; nor shall any practitioner of veterinary medicines prescribe any of the said substances for the use of any human being: *provided, however*, that the provisions of this section shall not be construed to prevent any lawfully authorized practitioner of medicine from prescribing in good faith for the use of any habitual user of narcotic drugs who is under his professional care such substances as he may deem necessary for his treatment, when such prescriptions are given in good faith and not for the purpose of evading the provisions of this act.

Penalty.

SECTION 3. Whoever violates any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one thousand dollars; or shall be imprisoned in the house of correction or jail for a term not exceeding one year; or shall be punished by both such fine and imprisonment.

*Approved March 22, 1910.*

#### CHAPTER 416, ACTS OF 1910.

#### AN ACT RELATIVE TO PROSECUTIONS UNDER THE LAWS RELATIVE TO ADULTERATED DRUGS AND FOOD.

*Be it enacted, etc., as follows:*

Prosecutions  
under laws  
relative to  
adulterated  
drugs and  
food.

SECTION 1. No prosecution shall be begun under sections sixteen to twenty-seven, inclusive, of chapter seventy-five of the Revised Laws, for the manufacture, sale or offering for sale of drugs, unless the person purchasing the drug or taking the



drug without purchasing shall seal and deliver to the owner or person from whom such drug is purchased or taken a portion of the drug so purchased or taken; and a receipt therefor shall be given to the collector. The drug so purchased or taken shall thereafter be analyzed or tested under the direction of the state board of health for the purpose of determining whether it comes within the provisions of the sections above mentioned.

SECTION 2. If it appears that any provision of the said sections has been violated, the said board may direct or authorize formal complaint to be made to a court or justice having jurisdiction in such cases; but no evidence of the result of said analysis or test shall be received if the collector refuses or neglects to seal and deliver a portion of the drug purchased or taken as aforesaid to the owner or person from whose possession it is taken.

Complaint  
for violation  
of law, etc.

*Approved April 20, 1910.*

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CHAPTER 289, ACTS OF 1911.

AN ACT RELATIVE TO PROSECUTIONS FOR SELLING ADULTERATED OR MISBRANDED ARTICLES OF FOOD OR DRUGS.

*Be it enacted, etc., as follows:*

SECTION 1. No dealer shall be prosecuted under the provisions of sections sixteen to twenty-six, inclusive, of chapter seventy-five of the Revised Laws, or of any act supplementary thereto or amendatory thereof, for selling, exposing for sale, or having in his custody or possession with intent to sell, any article of food or any drug or medicine which has been adulterated or misbranded contrary to the laws of this commonwealth, or which contains any substance, the use of which in food or in drugs is forbidden by the laws of this commonwealth, if he can establish a guaranty signed by the manufacturer, wholesaler, or jobber within this commonwealth from whom he purchased the said article, drug or medicine, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating the act. Such guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in that case such party or parties shall be subject to the prosecution, fine or other penalties which would attach in due course to the dealer under the provisions of the sections aforesaid.

SECTION 2. So much of chapter seventy-five of the Revised Laws as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

*Approved April 14, 1911.*

## CHAPTER 638, ACTS OF 1911.

## AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN PHARMACY.

*Be it enacted, etc., as follows:*

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the commonwealth from the ordinary revenue, for the salaries and expenses of the board of registration in pharmacy, for the fiscal year ending on the thirtieth day of November, nineteen hundred and eleven, to wit:—

For the salaries of the members, thirty-one hundred dollars.

For travelling and other expenses of the members, a sum not exceeding seventeen hundred and twenty-five dollars.

For the salary and expenses of the agent, a sum not exceeding twenty-two hundred dollars.

For a stenographer, witness fees, and incidental and contingent expenses, to include the printing of the annual report, a sum not exceeding seventeen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

*Approved July 7, 1911.*